

**AMENDMENT TO H. CON. RES. 85****OFFERED BY MR. TIAHRT OF KANSAS**

Add at the end of the resolution the following new title (and conform the table of contents accordingly):

1 **TITLE VII—COMMISSION ON THE**  
2 **ACCOUNTABILITY AND RE-**  
3 **VIEW OF FEDERAL AGENCIES**  
4 **ACT**

5 **SEC. 701. SHORT TITLE.**

6 This title may be cited as the “Commission on the  
7 Accountability and Review of Federal Agencies Act”.

8 **SEC. 702. ESTABLISHMENT OF COMMISSION.**

9 (a) **ESTABLISHMENT.**—There is established the Com-  
10 mission on the Accountability and Review of Federal  
11 Agencies (hereafter in this title referred to as the “Com-  
12 mission”).

13 (b) **MEMBERSHIP.**—

14 (1) **NUMBER AND APPOINTMENT.**—

15 (A) **IN GENERAL.**—The Commission shall  
16 be composed of 7 members appointed by the  
17 President as follows:

18 (i) One in consultation with the  
19 Speaker of the House of Representatives.

1 (ii) One in consultation with the mi-  
2 nority leader of the House of Representa-  
3 tives.

4 (iii) One in consultation with the ma-  
5 jority leader of the Senate.

6 (iv) One in consultation with the mi-  
7 nority leader of the Senate.

8 (v) Three other members.

9 (B) EX OFFICIO MEMBERS.—The Presi-  
10 dent may appoint up to 4 Members of Congress  
11 (up to 2 from each House) as nonvoting ex offi-  
12 cio members of the Commission.

13 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-  
14 bers shall be appointed for the life of the Commission. Any  
15 vacancy in the Commission shall not affect its powers, but  
16 shall be filled in the same manner as the original appoint-  
17 ment.

18 (d) INITIAL MEETING.—Not later than 30 days after  
19 the date on which all members of the Commission have  
20 been appointed, the Commission shall hold its first meet-  
21 ing.

22 (e) MEETINGS.—The Commission shall meet at the  
23 call of the chairperson.

1 (f) QUORUM.—A majority of the members of the  
2 Commission shall constitute a quorum, but a lesser num-  
3 ber of members may hold hearings.

4 **SEC. 703. DUTIES OF THE COMMISSION.**

5 (a) DEFINITION.—The term “agency”, as used in  
6 this section, has the meaning given the term “executive  
7 agency” under section 105 of title 5, United States Code.

8 (b) IN GENERAL.—The Commission shall—

9 (1) evaluate all agencies and programs within  
10 those agencies, using the criteria under subsection  
11 (c); and

12 (2) submit to Congress—

13 (A) a plan with recommendations of the  
14 agencies and programs that should be realigned  
15 or eliminated; and

16 (B) proposed legislation to implement the  
17 plan under subparagraph (A).

18 (c) CRITERIA.—

19 (1) DUPLICATIVE.—If 2 or more agencies or  
20 programs are performing the same essential function  
21 and the function can be consolidated or streamlined  
22 into a single agency or program, the Commission  
23 shall recommend that the agency or program be re-  
24 aligned.

1           (2) WASTEFUL OR INEFFICIENT.—The Com-  
2 mission shall recommend the realignment or elimi-  
3 nation of any agency or program that has wasted  
4 Federal funds by—

5                   (A) egregious spending;

6                   (B) mismanagement of resources and per-  
7 sonnel; or

8                   (C) use of such funds for personal benefit  
9 or the benefit of a special interest group.

10          (3) OUTDATED, IRRELEVANT, OR FAILED.—The  
11 Commission shall recommend the elimination of any  
12 agency or program that—

13                   (A) has completed its intended purpose;

14                   (B) has become irrelevant; or

15                   (C) has failed to meet its objectives.

16          (d) REPORT.—

17          (1) IN GENERAL.—Not later than 2 years after  
18 the date of enactment of this Act, the Commission  
19 shall submit to the President and Congress a report  
20 that includes—

21                   (A) the plan described under subsection  
22 (b)(1) with supporting documentation for all  
23 recommendations; and

24                   (B) the proposed legislation described  
25 under subsection (b)(2).

1           (2) USE OF SAVINGS.—The proposed legislation  
2           under paragraph (1)(B) shall provide that all funds  
3           saved by the implementation of the plan under para-  
4           graph (1)(A) shall be used for deficit reduction.

5           (3) RELOCATION OF FEDERAL EMPLOYEES.—  
6           The proposed legislation under paragraph (1)(B)  
7           shall provide that if the position of an employee of  
8           an agency is eliminated as a result of the implemen-  
9           tation of the plan under paragraph (1)(A), the af-  
10          fected agency shall make reasonable efforts to relo-  
11          cate such employee to another position within the  
12          agency or within another Federal agency.

13   **SEC. 704. POWERS OF THE COMMISSION.**

14          (a) HEARINGS.—The Commission or, at its direction,  
15          any subcommittee or member of the Commission, may, for  
16          the purpose of carrying out this title—

17               (1) hold such hearings, sit and act at such  
18               times and places, take such testimony, receive such  
19               evidence, and administer such oaths as any member  
20               of the Commission considers advisable;

21               (2) require, by subpoena or otherwise, the at-  
22               tendance and testimony of such witnesses as any  
23               member of the Commission considers advisable; and

24               (3) require, by subpoena or otherwise, the pro-  
25               duction of such books, records, correspondence,

1 memoranda, papers, documents, tapes, and other  
2 evidentiary materials relating to any matter under  
3 investigation by the Commission.

4 (b) ISSUANCE AND ENFORCEMENT OF SUB-  
5 POENAS.—

6 (1) ISSUANCE.—Subpoenas issued under sub-  
7 section (a) shall bear the signature of the chair-  
8 person of the Commission and shall be served by any  
9 person or class of persons designated by the chair-  
10 person for that purpose.

11 (2) ENFORCEMENT.—In the case of contumacy  
12 or failure to obey a subpoena issued under sub-  
13 section (a), the United States district court for the  
14 judicial district in which the subpoenaed person re-  
15 sides, is served, or may be found, may issue an order  
16 requiring such person to appear at any designated  
17 place to testify or to produce documentary or other  
18 evidence. Any failure to obey the order of the court  
19 may be punished by the court as a contempt of that  
20 court.

21 (c) INFORMATION FROM FEDERAL AGENCIES.—The  
22 Commission may secure directly from any Federal depart-  
23 ment or agency such information as the Commission con-  
24 siders necessary to carry out this title. Upon request of  
25 the chairperson of the Commission, the head of such de-

1 partment or agency shall furnish such information to the  
2 Commission.

3 (d) POSTAL SERVICES.—The Commission may use  
4 the United States mails in the same manner and under  
5 the same conditions as other departments and agencies of  
6 the Federal Government.

7 **SEC. 705. COMMISSION PERSONNEL MATTERS.**

8 (a) COMPENSATION OF MEMBERS.—

9 (1) NON-FEDERAL MEMBERS.—Except as pro-  
10 vided under subsection (b), each member of the  
11 Commission who is not an officer or employee of the  
12 Federal Government shall not be compensated.

13 (2) FEDERAL OFFICERS OR EMPLOYEES.—All  
14 members of the Commission who are officers or em-  
15 ployees of the United States shall serve without com-  
16 pensation in addition to that received for their serv-  
17 ices as officers or employees of the United States.

18 (b) TRAVEL EXPENSES.—The members of the Com-  
19 mission shall be allowed travel expenses, including per  
20 diem in lieu of subsistence, at rates authorized for employ-  
21 ees of agencies under subchapter I of chapter 57 of title  
22 5, United States Code, while away from their homes or  
23 regular places of business in the performance of services  
24 for the Commission.

25 (c) STAFF.—

1           (1) IN GENERAL.—The chairperson of the Com-  
2 mission may, without regard to the civil service laws  
3 and regulations, appoint and terminate an executive  
4 director and such other additional personnel as may  
5 be necessary to enable the Commission to perform  
6 its duties. The employment of an executive director  
7 shall be subject to confirmation by the Commission.

8           (2) COMPENSATION.—Upon the approval of the  
9 chairperson, the executive director may fix the com-  
10 pensation of the executive director and other per-  
11 sonnel without regard to chapter 51 and subchapter  
12 III of chapter 53 of title 5, United States Code, re-  
13 lating to classification of positions and General  
14 Schedule pay rates, except that the rate of pay for  
15 the executive director and other personnel may not  
16 exceed the maximum rate payable for a position at  
17 GS-15 of the General Schedule under section 5332  
18 of such title.

19           (3) PERSONNEL AS FEDERAL EMPLOYEES.—

20           (A) IN GENERAL.—The executive director  
21 and any personnel of the Commission who are  
22 employees shall be employees under section  
23 2105 of title 5, United States Code, for pur-  
24 poses of chapters 63, 81, 83, 84, 85, 87, 89,  
25 and 90 of that title.



1 (B) MEMBERS OF COMMISSION.—Subpara-  
2 graph (A) shall not be construed to apply to  
3 members of the Commission.

4 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
5 Federal Government employee may be detailed to the  
6 Commission without reimbursement, and such detail shall  
7 be without interruption or loss of civil service status or  
8 privilege.

9 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
10 TENT SERVICES.—The chairperson of the Commission  
11 may procure temporary and intermittent services under  
12 section 3109(b) of title 5, United States Code, at rates  
13 for individuals which do not exceed the daily equivalent  
14 of the annual rate of basic pay prescribed for level V of  
15 the Executive Schedule under section 5316 of such title.

16 **SEC. 706. TERMINATION OF THE COMMISSION.**

17 The Commission shall terminate 90 days after the  
18 date on which the Commission submits the report under  
19 section 703(d).

20 **SEC. 707. CONGRESSIONAL CONSIDERATION OF REFORM**  
21 **PROPOSALS.**

22 (a) DEFINITIONS.—In this section—

23 (1) the term “implementation bill” means only  
24 a bill which is introduced as provided under sub-  
25 section (b), and contains the proposed legislation in-

1       cluded in the report submitted to Congress under  
2       section 703, without modification; and

3           (2) the term "calendar day" means a calendar  
4       day other than 1 on which either House is not in  
5       session because of an adjournment of more than 3  
6       days to a date certain.

7       (b) INTRODUCTION; REFERRAL; AND REPORT OR  
8       DISCHARGE.—

9           (1) INTRODUCTION.—On the first calendar day  
10       on which both Houses are in session, on or imme-  
11       diately following the date on which the report is sub-  
12       mitted to Congress under section 703, a single im-  
13       plementation bill shall be introduced (by request)—

14           (A) in the Senate by the Majority Leader  
15       of the Senate, for himself and the Minority  
16       Leader of the Senate, or by Members of the  
17       Senate designated by the Majority Leader and  
18       Minority Leader of the Senate; and

19           (B) in the House of Representatives by the  
20       Speaker of the House of Representatives, for  
21       himself and the Minority Leader of the House  
22       of Representatives, or by Members of the House  
23       of Representatives designated by the Speaker  
24       and Minority Leader of the House of Rep-  
25       resentatives.

1           (2) REFERRAL.—The implementation bills in-  
2        troduced under paragraph (1) shall be referred to  
3        any appropriate committee of jurisdiction in the  
4        Senate and any appropriate committee of jurisdic-  
5        tion in the House of Representatives. A committee  
6        to which an implementation bill is referred under  
7        this paragraph may report such bill to the respective  
8        House without amendment.

9           (3) REPORT OR DISCHARGE.—If a committee to  
10       which an implementation bill is referred has not re-  
11       ported such bill by the end of the 15th calendar day  
12       after the date of the introduction of such bill, such  
13       committee shall be immediately discharged from fur-  
14       ther consideration of such bill, and upon being re-  
15       ported or discharged from the committee, such bill  
16       shall be placed on the appropriate calendar.

17       (c) FLOOR CONSIDERATION.—

18           (1) IN GENERAL.—When the committee to  
19       which an implementation bill is referred has re-  
20       ported, or has been discharged under subsection  
21       (b)(3), it is at any time thereafter in order (even  
22       though a previous motion to the same effect has  
23       been disagreed to) for any Member of the respective  
24       House to move to proceed to the consideration of the  
25       implementation bill, and all points of order against

1 the implementation bill (and against consideration of  
2 the implementation bill) are waived. The motion is  
3 highly privileged in the House of Representatives  
4 and is privileged in the Senate and is not debatable.  
5 The motion is not subject to amendment, or to a  
6 motion to postpone, or to a motion to proceed to the  
7 consideration of other business. A motion to recon-  
8 sider the vote by which the motion is agreed to or  
9 disagreed to shall not be in order. If a motion to  
10 proceed to the consideration of the implementation  
11 bill is agreed to, the implementation bill shall remain  
12 the unfinished business of the respective House until  
13 disposed of.

14 (2) AMENDMENTS.—An implementation bill  
15 may not be amended in the Senate or the House of  
16 Representatives.

17 (3) DEBATE.—Debate on the implementation  
18 bill, and on all debatable motions and appeals in  
19 connection therewith, shall be limited to not more  
20 than 10 hours, which shall be divided equally be-  
21 tween those favoring and those opposing the resolu-  
22 tion. A motion further to limit debate is in order and  
23 not debatable. An amendment to, or a motion to  
24 postpone, or a motion to proceed to the consider-  
25 ation of other business, or a motion to recommit the

1 implementation bill is not in order. A motion to re-  
2 consider the vote by which the implementation bill is  
3 agreed to or disagreed to is not in order.

4 (4) VOTE ON FINAL PASSAGE.—Immediately  
5 following the conclusion of the debate on an imple-  
6 mentation bill, and a single quorum call at the con-  
7 clusion of the debate if requested in accordance with  
8 the rules of the appropriate House, the vote on final  
9 passage of the implementation bill shall occur.

10 (5) RULINGS OF THE CHAIR ON PROCEDURE.—  
11 Appeals from the decisions of the Chair relating to  
12 the application of the rules of the Senate or the  
13 House of Representatives, as the case may be, to the  
14 procedure relating to an implementation bill shall be  
15 decided without debate.

16 (d) COORDINATION WITH ACTION BY OTHER  
17 HOUSE.—If, before the passage by 1 House of an imple-  
18 mentation bill of that House, that House receives from  
19 the other House an implementation bill, then the following  
20 procedures shall apply:

21 (1) NONREFERRAL.—The implementation bill  
22 of the other House shall not be referred to a com-  
23 mittee.

1           (2) VOTE ON BILL OF OTHER HOUSE.—With  
2       respect to an implementation bill of the House re-  
3       ceiving the implementation bill—

4           (A) the procedure in that House shall be  
5       the same as if no implementation bill had been  
6       received from the other House; but

7           (B) the vote on final passage shall be on  
8       the implementation bill of the other House.

9       (e) RULES OF THE SENATE AND THE HOUSE OF  
10      REPRESENTATIVES.—This section is enacted by Con-  
11      gress—

12           (1) as an exercise of the rulemaking power of  
13      the Senate and House of Representatives, respec-  
14      tively, and as such it is deemed a part of the rules  
15      of each House, respectively, but applicable only with  
16      respect to the procedure to be followed in that  
17      House in the case of an implementation bill de-  
18      scribed in subsection (a), and it supersedes other  
19      rules only to the extent that it is inconsistent with  
20      such rules; and

21           (2) with full recognition of the constitutional  
22      right of either House to change the rules (so far as  
23      relating to the procedure of that House) at any time,  
24      in the same manner, and to the same extent as in  
25      the case of any other rule of that House.

1 **SEC. 708. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated such sums  
3 as may be necessary for each of fiscal years 2010 through  
4 2013 for carrying out this title.

